IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.702 OF 2000

Subhash Suresh Ganeshkar & Ors. ...Appellants

Vs.

Chander Ganu Bhise and Anr. ...Respondents

Mr.Mundhe G.M. for Shri P.B.Shah for the Appellants.
Mr.B.D.Joshi for the Respondents.

CORAM: A.S.OKA, J.

DATED: AUGUST 9, 2004.

P.C.:

1. Heard the learned Counsel appearing for the parties. Both the Courts below have come to the conclusion that the Appellants-Plaintiffs have failed to prove that they are the owners of the suit land. A contention is raised that the orders of Authorities under the Bombay Tenancy and Agricultural Act, 1948 in favour of the Respondent No.1 are not binding on the Appellants. It appears that the Authorities under the said Act of 1948 held that the Respondent No.1 was agricultural tenant in respect of the suit land who was inducted by the deceased Gayabai. Shri Shah learned Counsel for the Appellant invited my attention to the paragraph no.16 of the Judgment of the Appellate Court and he submitted that the order passed by the Appellate Authority under the said Act of 1948 has not attained

finality. He submitted that if the authorities under the said Act of 1948 ultimately decided the matter against the Respondent No.1, then the Appellants must succeed.

2. Today the learned Counsel for the Respondent No.1 has placed on record certified copy of Revision Application filed by the Respondent No.2 against the Respondent No.1 for challenging the orders passed in tenancy Appeal under the said Act of 1948. The certified copy of Revision Application produced by the learned Counsel for the Respondent No.1 shows that as compliance was not made by the Respondent No.2, Revision Application was returned by the Maharashtra Revenue Tribunal on 26th June 2000. Thus, it is clear that the order passed by the Appellate Authority under the said Act of 1948 has attained finality. In this view of the matter, no substantial question of law arises in this Appeal.

3. Second Appeal is dismissed with no order as to costs.

Judge.